PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	**Bashiri, Phung, Ramzipoor and Ajitkumar Nair**
Application No.:	**10/809236**
Filed:	**March 25, 2004**
For:	**DETACHABLE AND RETRIEVABLE STENT ASSEMBLY**
Examiner:	**Kathleen C. Sonnett**
Group Art Unit:	**3731**

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Docket No.: S63.2P-11058-US02

APPEAL BRIEF

This is an Appeal Brief for the above-identified Application, in which claims 1, 3, 8-24, 26-30, 33-37, and 40-45 were rejected in the Final Office Action mailed January 29, 2008. A Notice of Appeal is filed concurrently herewith. This Brief is submitted in accordance with 37 CFR § 41.37. The Commissioner is authorized to charge Deposit Account No. 22-0350 for any other fees which may be due with this Appeal.

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(i) Real Party in Interest

This Application is assigned to Boston Scientific Scimed, Inc. (formerly Scimed Life Systems, Inc.), One Scimed Place, Maple Grove, Minnesota 55311-1566, a Minnesota Corporation and a subsidiary of Boston Scientific Corporation, One Boston Scientific Place, Natick, Massachusetts 01760-1537, a Delaware Corporation.

(ii) Related Appeals and Interferences

No related appeals or interferences are pending.

(iii) Status of Claims

Claims 1, 3, 8-24, 26-30, 33-37, 40, 44, and 45 are pending in the application, stand rejected, and are the subject of this appeal. Claims 41-43 have been withdrawn. Claims 2, 4-7, 25, 31, 32, 38, and 39 have been cancelled.

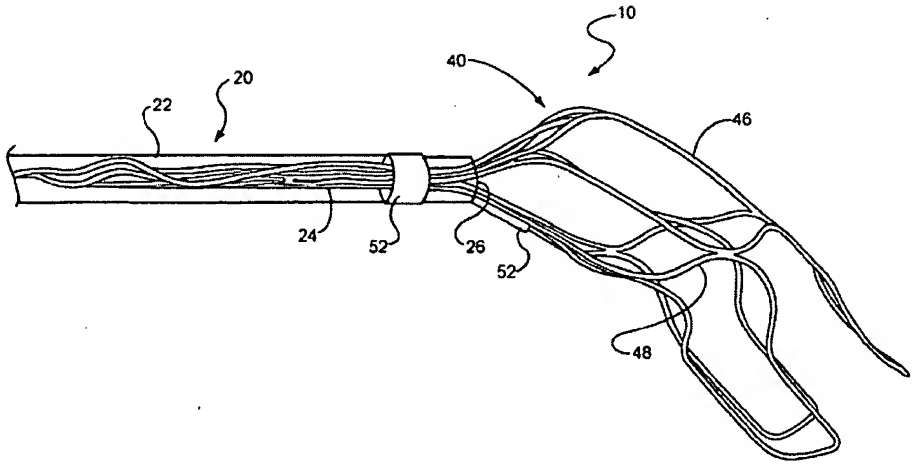
(iv) Status of Amendments

An Amendment After Final was filed on March 23, 2009, which presented arguments and amended claim 9 to fix a typographical error. The Amendment After Final was entered, as indicated in the Advisory Action mailed April 08, 2009.

(v) Summary of Claimed Subject Matter

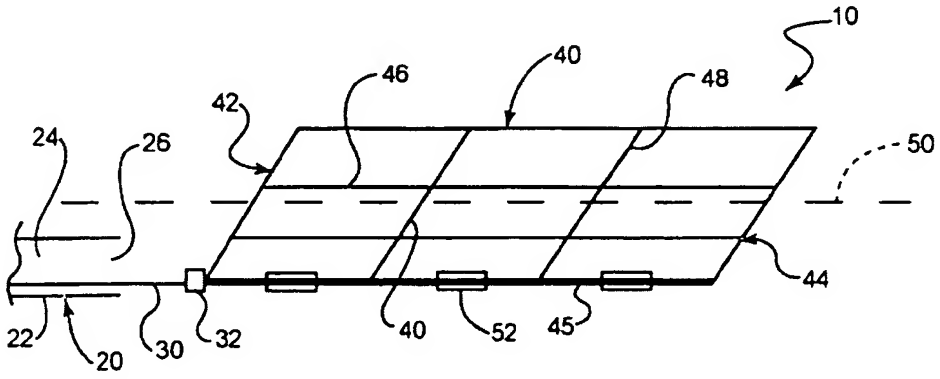
Independent claim 1 recites a stent assembly 10 comprising a stent 40 being configurable between an unexpanded state and an expanded state. See, e.g., Fig. 7, below, wherein the stent is shown partially expanded and partially unexpanded.

FIG.7



The stent has a proximal end 42 and a distal end 44 and a single stent backbone 45 extending from the proximal end 42 to the distal end 44. See e.g., Fig. 2, below, and page 7, line 8. The stent backbone 45 is oriented in a direction which is substantially parallel to the longitudinal axis 50. See page 9, lines 15-16. The stent backbone 45 is a single strut. Page 8, lines 30-32.

FIG.2



The stent further comprises a plurality of interconnected stent members, the stent members consisting of first stent members 46 and second stent members 48. See page 7, line 22. Each of the first stent members 46 are oriented in a substantially longitudinal direction in the unexpanded state and the expanded state. See Figs. 1 and 3, below, and page 7, lines 23-29. Each of the second stent members 48 are oriented in a substantially longitudinal direction in the unexpanded state and oriented in a substantially circumferential direction in the expanded state. See Id.

FIG.1

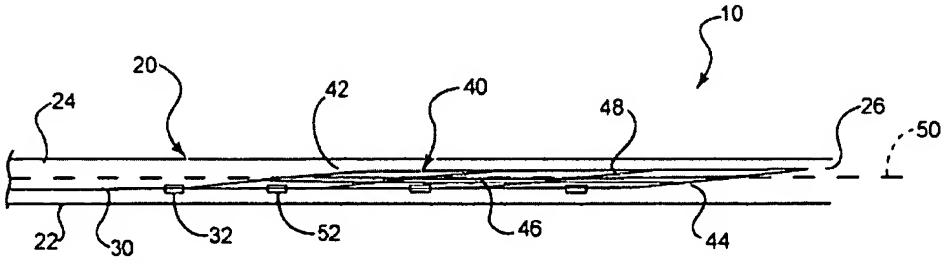
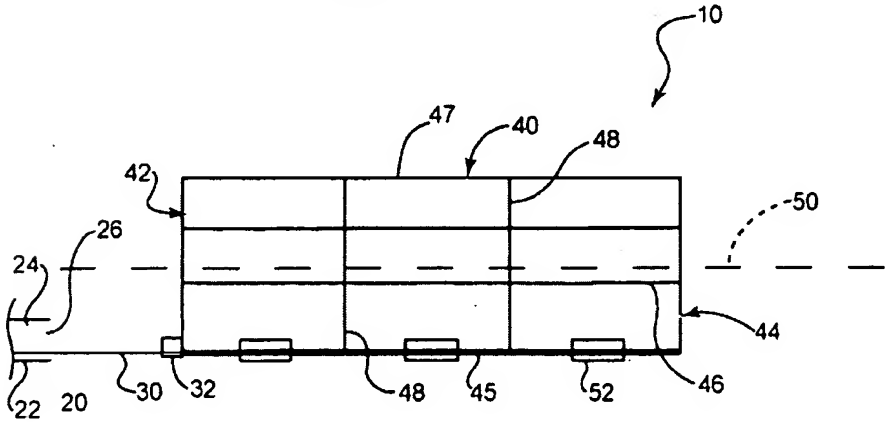


FIG.3



The stent backbone 45 has a greater column strength than the plurality of interconnected stent members 46, 48. Page 11, lines 12-13.

Dependent claim 8 recites a push wire 30 having a proximal end and a distal end. See Fig. 3, above. The distal end of the push wire being removeably engaged to a proximal end

42 of the stent 40. Page 7, lines 9-10. The backbone 45 extends from the distal end of the push wire 30. Page 7, lines 15-18.

Dependent claim 11 depends from claim 8 and recites that the push wire 30 is removeably engaged to the stent 40 at a severable junction 32. Page 9, lines 18-19. The stent 40 is released from the push wire 30 when the severable junction 32 is severed. Page 9, lines 19-22.

Dependent claim 12 depends from claim 11 and recites at least a portion of the severable junction 32 is bioabsorbable. Page 10, lines 2-4. The stent 40 is released from the push wire 30 when the at least a portion of the severable junction 32 is bioabsorbed.

Dependent claim 16 depends from claim 15 and recites that the assembly (of claim 1) is constructed and arranged to be configurable from the initially deployed configuration to the predeployed configuration. Page 9, lines 26-28 and Fig. 10.

(vi) Grounds of Rejection to be Reviewed on Appeal

Issue 1: Did the Examiner err in rejecting claims 1, 20-24, 26-30, and 33 under 35 USC § 103 over Callol (US 6,585,757) in view of Globerman (US 6,428,570)?

Issue 2: Did the Examiner err in rejecting claims 1, 3, 20, 23, 24, 26-28, 30, 33, and 40 under 35 USC § 103 over McGuinness (US 6,102,943) in view of Globerman?

Issue 3: Did the Examiner err in rejecting claims 8-11, 13-15, and 34-37 under 35 USC § 103 over Callol in view of Globerman in further view of Bahsiri (US 6,165,178)?

Issue 4: Did the Examiner err in rejecting claim 12 under 35 USC § 103 over Callol in view of Globerman and Bashiri in further view of Camrud (US 6,699,280)?

Issue 5: Did the Examiner err in rejecting claims 16-19, 44, and 45 under 35 USC § 103 over Callol in view of McGuinness and Bashiri in further view of Ravenscroft (US 5,702,418)?

(vii) Argument

Issue 1: The Examiner erred in rejecting claims 1, 20-24, 26-30, and 33 under 35 USC § 103 over Callol (US 6,585,757) in view of Globerman (US 6,428,570).

The rejections asserted by the Examiner under 35 USC § 103 are traversed because the applied references do not teach or suggest the stent assembly recited in the rejected claims. The rejections propose an interpretation of the claimed subject matter that does not comport with the plain meaning of the claim language or Applicants' Specification. Moreover, the Examiner relies on an impermissibly broadened characterization of the prior art in making the rejections. A person having ordinary skill in the art, viewing the applied references without knowledge of Applicants' invention, would not have been led to the stent assembly claimed in the pending claims. Furthermore, the rejections disregard the transitional phrase "consisting of" as used in independent claim 1.

Independent Claim 1

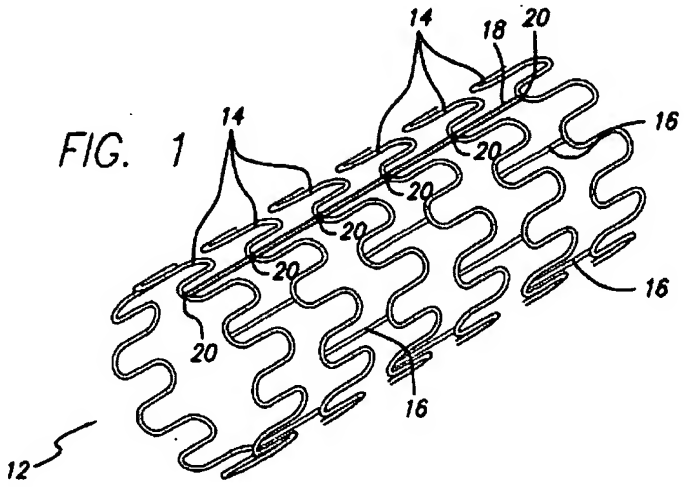
Independent claim recites, in-part a stent comprising:

> a plurality of interconnected stent members, the stent members consisting of first stent members and second stent members, each of the first stent members being oriented in a substantially longitudinal direction in the unexpanded state and the expanded state, each of the second stent members being oriented in a substantially longitudinal direction in the unexpanded state and being oriented in a substantially circumferential direction in the expanded state...

The applied references do not disclose a stent in accordance with claim 1. The language of claim 1 uses the transitional phrase "consisting of" to limit the "plurality of interconnected stent members" to "first stent members" and "second stent members." In principle, the Examiner seems to recognize the established transitional phrase convention in accordance with MPEP § 2111.03. See, e.g., Advisory Action (wherein the Examiner states, "[t]he use of 'consisting' for the stent members only limits what is considered the plurality of interconnected stent members to the first and second stent members."). In application, however, the Examiner disregards the meaning of the transitional phrase when applying the aforementioned references to the pending claims.

Callol discloses a stent 12 having "individual rings 14 [that] are joined by spines 16, 18 ... longitudinally oriented along the entire stent." See Figure 1, below, and column 3, lines 43-45.

FIG. 1

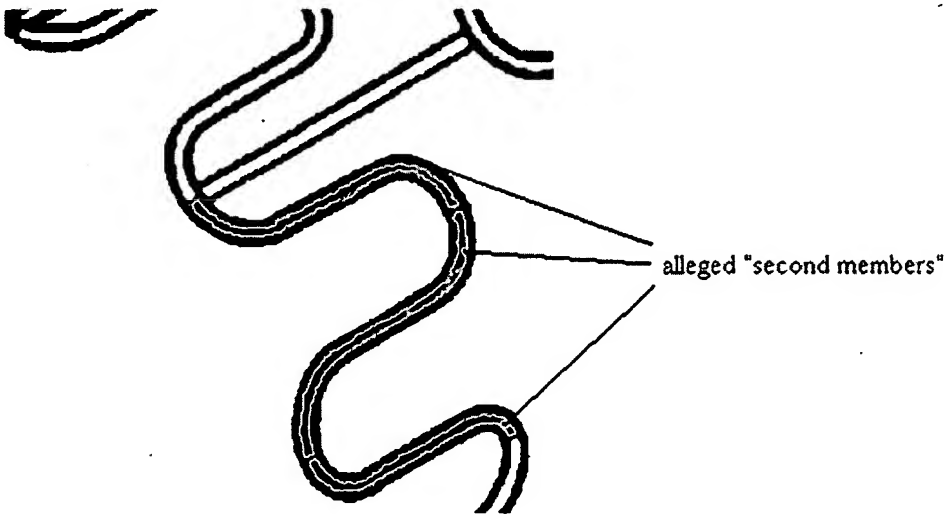


Seemingly, the Examiner relies on two independent rationales for alleging that Callol teaches a stent having a plurality of interconnected stent members, the stent members consisting of first stent members and second stent members. The Examiner's first rationale is that the spine (16) of Callol is the claimed first stent member and "at least [the] straight portion of 14" is the claimed second stent member. Final Office Action, page 2, paragraph 3. Thus, the Examiner asserts that "Callol discloses ... the first stent members (16) being oriented in a substantially longitudinal direction in the unexpanded and expanded state, each of the second stent members (at least portion of 14) being oriented in a substantially longitudinal direction in the unexpanded state since a majority of this length is longitudinal." Id.

In addition, the Examiner asserts that "the curved portion of (14) can be considered a bridge that is not one of the claimed plurality of interconnected stent members." Final Office Action, page 2, paragraph 4. The Examiner does not explain how part of the ring 14 of Callol is properly referred to as a stent member, while some remaining part of the ring 14 is not properly referred to as a stent member. Moreover, the ring 14 (or components thereof) cannot be properly classified as stent members while simultaneously failing to be classified as stent members. In this regard, the Examiner has identified an alleged first stent member and an

alleged second stent member, and what amounts to a third stent member. Thus, the stent of Callol does not teach or suggest a stent consisting of first stent members and second stent members, as claimed.

The Examiner's second rational again relies on the notion that the spine (16) of Callol is the claimed first stent member. See, generally, Final Office Action pages 2-3. With regard to the claimed second stent member, the Examiner asserts that "if about half of the curved portion of (14) along with an adjacent entire straight portion of (14) is considered a second member, then the second member can be considered substantially longitudinal in the unexpanded state since a greater length of the second member is longitudinally directed." Final Office Action, pages 2-3, paragraph 4. The Examiner clarifies this statement in the Advisory Action, indicating that the alleged second stent members "include the straight portion as well as half the curved portion distal and proximal of the straight portion," as illustrated below in Applicants' annotated version of Figure 1 of Callol.

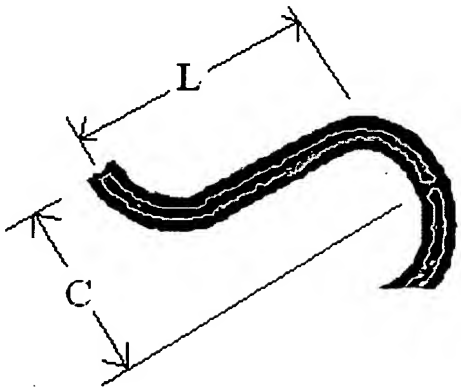


The Examiner's second rational is also erroneous. The Examiner has applied an overly broad interpretation of the prior art and has failed to interpret Applicants' claims in light of the Specification.

As stated in MPEP § 2111, "[d]uring patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.'" quoting Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). The court in Phillips further stated that "[t]his court and its predecessors have long emphasized the importance of the

specification in claims construction." The court in Phillips gave additional support, and noted, "'[t]he words of patent claims have the meaning and scope with which they are used in the specification and the prosecution history.'" quoting Moba, B.V. v. Diamond Automation, Inc., 325 F.3d 1306, 1315 [66 USPQ2d 1429] (Fed. Cir. 2003). "'The claims are directed to the invention that is described in the specification; they do not have meaning removed from the context from which they arose.'" Id., quoting Netword, LLC v. Centraal Corp., 242 F.3d 1347, 1352 [58 USPQ2d 1076] (Fed. Cir. 2001). "'A fundamental rule of claim construction is that terms in a patent document are construed with the meaning with which they are presented in the patent document. Thus claims must be construed so as to be consistent with the specification, of which they are a part.'" Id., quoting Merck & Co. v. Teva Pharms. USA, Inc., 347 F.3d 1367, 1371 [68 USPQ2d 1857] (Fed. Cir. 2003).

The Examiner's characterization of Callol applies an unreasonably broad interpretation to the claims and is not consistent with Applicants' Specification. For example, the alleged "second stent members" of Callol are not "oriented in a substantially longitudinal direction in the unexpanded state," as is claimed. Referring to Applicants' annotated figure, below, the alleged "second stent members" do not extend in a "substantially longitudinal direction." Instead, the alleged "second stent members" form an "S" shape and, in combination, form the ring 14 which, in turn, forms the circumference of the stent (as shown above in Figure 1 of Callol.)



In looking at the alleged "second stent members" of Callol, above, each alleged "second stent member" traverses nearly as much circumferential distance (C) as longitudinal distance (L). Applicants admit that the figure of Callol from which this drawing was made

(Figure 1) may be somewhat distorted due to nature of perspective drawings. Nonetheless, it is abundantly clear that the "second strut member" traverses a significant distance in the circumferential direction relative to the distance traversed in the longitudinal direction. Thus, the alleged "second stent member" of Callol cannot be properly characterized as being "oriented in a substantially longitudinal direction," as is claimed. Consequently, the Examiner's second rational fails, and Callol does not teach or suggest a "second stent member" as claimed.

Globerman discloses a stent 30 having "radial rings 33 ... connected with longitudinal connectors 35." Column 7, lines 25-29. Applicants note that the stent of Globerman is expanded in a traditional manner, for example by increasing the diameter of the rings 33 radially. In contrast, the stent of the immediate Application is directed to a stent wherein, in an unexpanded state, the stent members are oriented in a substantially longitudinal direction.

FIG. 14

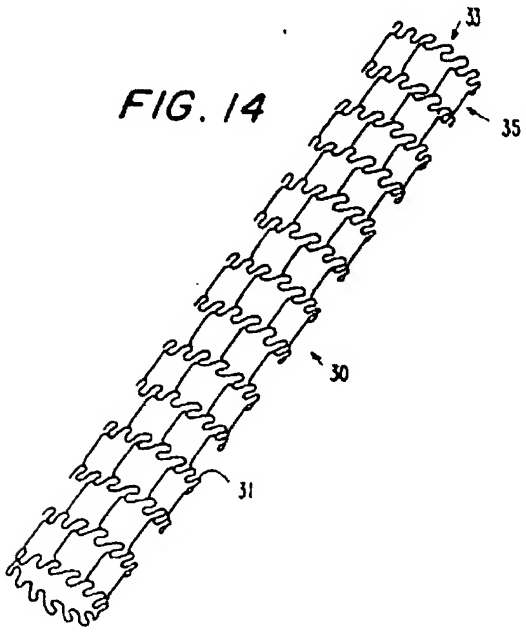
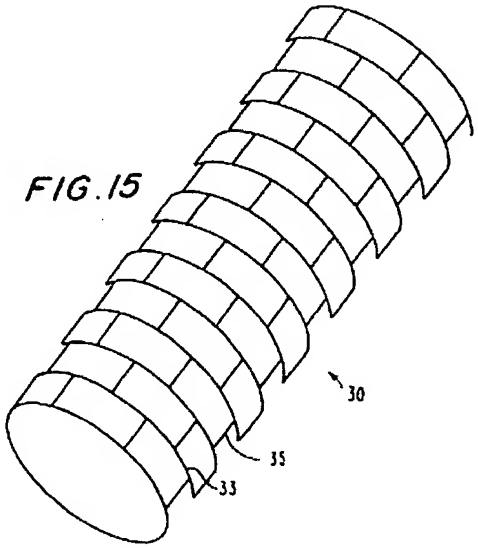


FIG. 15



With regard to Globerman, the Examiner asserts that "Globerman discloses that it is well known ... to fully expand a similar wavy strut so that portions of the strut that are longitudinally directed ... become circumferentially directed..." Final Office Action, page 3, paragraph 5.

Even if the Examiner's assertion is accepted, for the sake of argument only, it does not remedy the deficiencies discussed above. That is, Globerman in combination with Callol does not teach or suggest a stent with longitudinal members consisting of first stent members and second stent members, as claimed.

Consequently, the Examiner has failed to establish a *prima facie* case of obviousness against claim 1 or claims 20-24, 26-30, and 33, which depend from claim 1. Applicants request that the Board reverse the Examiner's rejection of claims 1, 20-24, 26-30, and 33 under USC § 103 over Callol in view of Globerman.

Issue 2: The Examiner erred in rejecting claims 1, 3, 20, 23, 24, 26-28, 30, 33, and 40 under 35 USC § 103 over McGuinness (US 6,102,943) in view of Globerman.

The rejections asserted by the Examiner under 35 USC § 103 are traversed because the applied references do not teach or suggest the stent assembly recited in the rejected claims.

Independent Claim 1

With regard to the rejection of claim 1 over McGuinness in view of Globerman, the Examiner relies on essentially the same reasoning as discussed above, generally substituting the McGuinness reference for the Callol reference. In this regard, and as discussed in more detail below, the Examiner's assertions fail for essentially the same reasons discussed above.

McGuinness discloses a tubular stent 10 having marginal segments 24, 26 and "expandable members 28 formed as zigzag arrays, each defined by serially connected alternating legs 32 and bends 34." Column 4, lines 36-38.

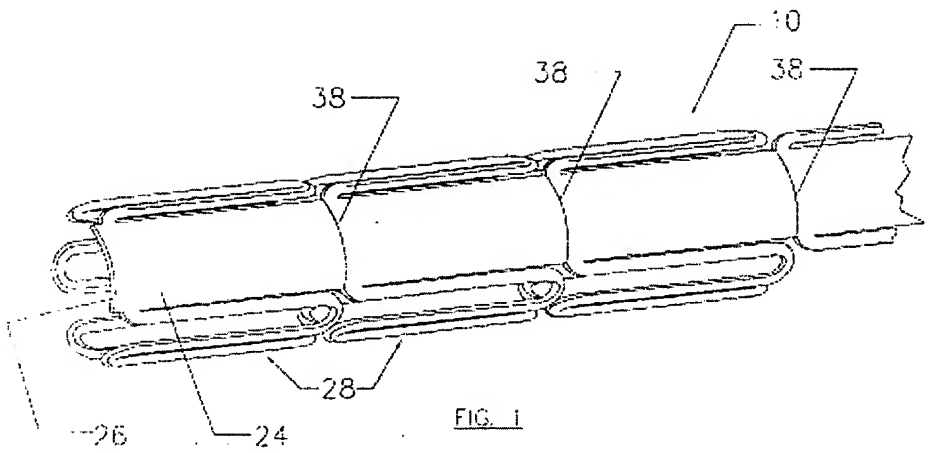


FIG. 1

The Examiner again relies on two independent rationales for alleging that McGuinness teaches a stent having a plurality of interconnected stent members, the stent members consisting of first stent members and second stent members. In accordance with the Examiner's first rationale, the Examiner asserts that the "straight portion of 28" is the claimed second stent member. Final Office Action page 4, paragraph 14. In an attempt to assert that McGuinness satisfies the claimed first and second stent members, the Examiner again declares that the "curved portion (38) [sic 34?] of members (28) can be considered a bridge that is not one of the claimed stent members." Id.

This conclusion is flawed as applied to McGuinness just as it is flawed as applied to Callol.

The claim term "stent members" must be construed in light of Applicants' Specification. Applicants' Specification refers to "stent members" alternatively as "struts." Page 7, line 22. Clearly the so-called "bridge" (34) of McGuinness is a "strut." For example, McGuinness itself refers to the pattern therein as being "formed to a selected pattern of interconnected elements such as struts..." (emphasis added). Thus, the alleged "bridge" of McGuinness must be considered a "stent member." Consequently, the Examiner's assertion that the "bridge" of McGuinness "is not one of the claimed stent members" is erroneous.

The Examiner's second rationale with respect to McGuinness mirrors the rationale employed with respect to Callol. Referring to Figure 1A of McGuinness, provided below, the Examiner asserts that the "straight portion (32) and half of the curved portion (34)" is a claimed second stent member. Final Office Action page 4, paragraph 14.

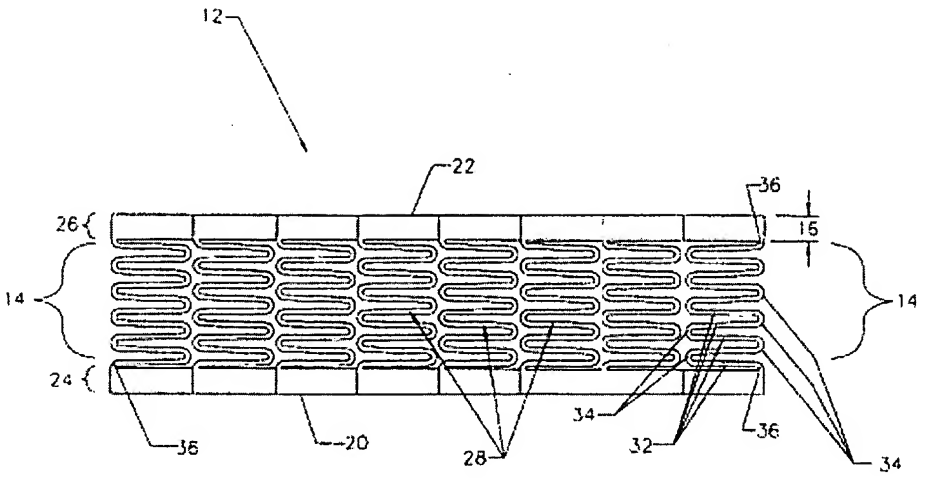
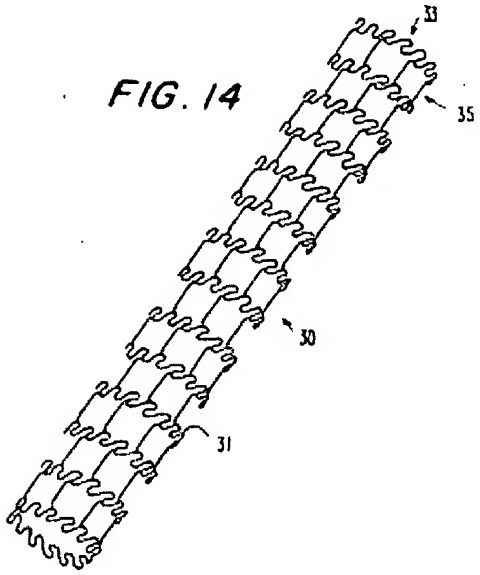


FIG. 1A

The Examiner's characterization of McGuinness is unduly broad. For example, as mentioned above, McGuinness refers to elements 34 as "bends." Column 4, line 38. As shown above in Figure 1A, the bends are clearly disposed in a circumferential direction prior to expansion of the stent. Consequently, the Examiner's characterization of McGuinness is inconsistent with the disclosure of McGuinness. Moreover, the Examiner's interpretation of McGuinness it is also inconsistent with the meaning of Applicants' claims, as provided in Applicants' Specification. Thus, McGuinness fails to teach or suggest second stent members, as claimed.

In addition, as recognized by the Examiner on page 4, paragraph 14 of the Final Office Action, "it is not clear how circumferential the formerly longitudinally directed portions of (28) become in the expanded configuration." To overcome this deficiency, the Examiner suggests modifying McGuinness with Globerman. Specifically, the Examiner asserts using the windings 31 of Globerman with the stent of McGuinness.

FIG. 14



Assuming, arguendo, that a person having ordinary skill in the art would make the alleged modification, applying the windings 31 of Globerman to the stent of McGuinness would further reduce the amount by which the alleged "longitudinally directed portions" 28 of McGuinness are longitudinally directed. In other words, it appears that the windings 31 of Globerman are permitted to expand as shown in Figure 15 (supra, page 15) because these windings 31 are configured in a circumferential direction to begin with, as shown in Figure 14, above.

Therefore, to the extent the Examiner wishes to modify McGuinness with Globerman by replacing or modifying the expandable members 28 of McGuinness with the windings 31 of Globerman, the resulting combination would not produce a stent consisting of second stent members which are directed in a substantially longitudinal direction in an unexpanded state, as is claimed.

Consequently, the Examiner has failed to establish a *prima facie* case of obviousness over McGuinness in view of Globerman. The resulting combination simply does not teach or suggest the elements claimed in independent claim 1.

Claims 3, 20, 23, 24, 26-28, 30, 33, and 40 depend either directly or indirectly from independent claim 1. Accordingly, Applicants request that the Board reverse the

Examiner's rejection of claims 1, 3, 20, 33, 24, 26-28, 30, 33, and 40 under 35 USC § 103 over McGuinness in view of Globerman.

Issue 3: The Examiner erred in rejecting claims 8-11, 13-15, and 34-37 under 35 USC § 103 over Callol in view of Globerman in further view of Bahsiri (US 6,165,178).

The rejections asserted by the Examiner under 35 USC § 103 are traversed because the applied references do not teach or suggest the stent assembly recited in the rejected claims. Bashiri does not remedy the deficiencies of Callol in view of Globerman.

As noted above, claim 8 recites a push wire which extends from the proximal end of the stent. Claims 9-11, 13-15, and 34-37 depend directly or indirectly from claim 8.

Any alleged or recited teaching of Bashiri with regard to the claimed push wire fails to remedy the deficiencies of Callol and Globerman discussed above. Claims 8-11, 13-15, and 34-37 are patentable for at least the reasons discussed with respect to claim 1.

Consequently, Applicants request that the Board reverse the Examiner's rejection of claims 8-11, 13-15, and 34-37 under 35 USC § 103 over Callol in view of Globerman in further view of Bashiri.

Issue 4: The Examiner erred in rejecting claim 12 under 35 USC § 103 over Callol in view of Globerman and Bashiri in further view of Camrud (US 6,699,280).

The rejections asserted by the Examiner under 35 USC § 103 are traversed because the applied references do not teach or suggest the stent assembly recited in the rejected claims. Camrud does not remedy the deficiencies of Bashiri in view of Callol and Globerman.

As noted above, claim 12 depends indirectly from claim 8, and recites a severable junction which is bioabsorbable. In this regard, any alleged or recited teaching of Camrud with regard to the claimed bioabsorbable severable junction fails to remedy the deficiencies of Callol, Globerman, and Bashiri discussed above. Claim 12 is patentable for at least the reasons discussed with respect to claims 1 and 8.

Consequently, Applicants request that the Board reverse the Examiner's rejection of claim 12 under 35 USC § 103 over Callol in view of Globerman and Bashiri in further view of Camrud.

Issue 5: The Examiner erred in rejecting claims 16-19, 44, and 45 under 35 USC § 103 over Callol in view of McGuinness and Bashiri in further view of Ravenscroft (US 5,702,418).

The rejections asserted by the Examiner under 35 USC § 103 are traversed because the applied references do not teach or suggest the stent assembly recited in the rejected claims. Ravenscroft does not remedy the deficiencies of Callol, McGuinness and Bashiri. As noted above, claim 16 recites that the stent is configurable from the initially deployed configuration to the predeployed configuration. Claims 17-19, 44, and 45 depend directly or indirectly from claim 16.

Any alleged or recited teaching of Ravenscroft with regard to the claimed configuration do not remedy the deficiencies of Callol, McGuinness, and Bashiri discussed above. Claims 16-19, 44, and 45 are patentable for at least the reasons discussed with respect to claims 1, 8, 14, and 15.

Consequently, Applicants request that the Board reverse the Examiner's rejection of claims 16-19, 44, and 45 under 35 USC § 103 over Ravenscroft in view of Callol, McGuinness, and Bashiri.

Argument Conclusion

Based on at least the foregoing arguments, Applicants respectfully submit that the rejection presented by the Examiner fail to establish a *prima facie* case of obviousness against any of the rejected claims. Accordingly, Applicants respectfully request that the Board reverse all of the Examiner's rejections under 35 USC § 103.

Respectfully submitted,

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Date: June 19, 2009

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(viii) Claims Appendix

1. A stent assembly comprising a stent, the stent having a proximal end and a distal end and being configurable between an unexpanded state and an expanded state, the stent comprising:

a single stent backbone which extends from the proximal end of the stent to the distal end of the stent, the stent backbone being oriented in a direction which is substantially parallel to a longitudinal axis of the stent, the stent backbone being a single strut; and

a plurality of interconnected stent members, the stent members consisting of first stent members and second stent members, each of the first stent members being oriented in a substantially longitudinal direction in the unexpanded state and the expanded state, each of the second stent members being oriented in a substantially longitudinal direction in the unexpanded state and being oriented in a substantially circumferential direction in the expanded state,

the stent backbone having a greater column strength than the plurality of interconnected stent members.

3. The assembly of claim 1 wherein the stent backbone has a predetermined thickness and each of the plurality of interconnected first stent members and second stent members have a predetermined thickness, the predetermined thickness of the stent backbone being greater than the predetermined thickness of each of the plurality of interconnected first stent members and second stent members.

8. The assembly of claim 1 further comprising a push wire, the push wire having a proximal end and a distal end, the distal end of the push wire being removeably engaged to a proximal end of the stent, the first backbone extending from the distal end of the push wire.

9. The assembly of claim 8 wherein the push wire is thermally conductive.

10. The assembly of claim 8 wherein the push wire is electrically conductive.

11. The assembly of claim 8 wherein the push wire is removeably engaged to the stent at a severable junction, the stent being released from the push wire when the severable junction is severed.

12. The assembly of claim 11 wherein at least a portion of the severable junction is bioabsorbable, the stent being released from the push wire when the at least a portion of the severable junction is bioabsorbed.

13. The assembly of claim 11 wherein the severable junction is constructed and arranged to be severable by at least one mechanism selected from the group consisting of: electrolytic corrosion, mechanical actuation, application of hydraulic pressure, application of thermal energy, application of electromagnetic energy and any combination thereof.

14. The assembly of claim 8 comprising a predeployed configuration, an initially deployed configuration and a fully deployed configuration, in the predeployed configuration the stent in the unexpanded state being in mechanical communication with the push wire, in the initially deployed configuration the stent in the expanded state is in mechanical communication with the push wire, in the deployed configuration the stent in the expanded state is mechanically independent from the push wire.

15. The assembly of claim 14 wherein the assembly is constructed and arranged to be configurable from the predeployed configuration to the initially deployed configuration and from the initially deployed configuration to the fully deployed configuration.

16. The assembly of claim 15 wherein the assembly is constructed and arranged to be configurable from the initially deployed configuration to the predeployed configuration.

17. The assembly of claim 16 further comprising a catheter, the catheter comprising a catheter shaft, the catheter shaft defining a lumen, the shaft further defining an opening at a distal end of the catheter, in the predeployed configuration the stent and push wire being moveably contained within the lumen.

18. The assembly of claim 17 wherein in the initially deployed configuration at least a portion of the push wire is and the stent are free of the lumen.

19. The assembly of claim 18 wherein when the assembly is configured from the predeployed configuration to the initially deployed configuration at least a portion of the push wire and the stent are advanced through the opening at the distal end of the catheter.

20. The assembly of claim 1 wherein the stent is a therapeutic coated stent.

21. The assembly of claim 1 wherein the stent is at least partially constructed of a shape memory material.

22. The assembly of claim 1 wherein the stent is at least partially constructed of nitinol.

23. The assembly of claim 1 wherein the backbone is at least one wire.

24. The assembly of claim 1 wherein the plurality of interconnected first stent members and second stent members comprise at least one wire.

26. The assembly of claim 1 wherein adjacent interconnected first stent members and second stent members form closed loops.

27. The assembly of claim 1 wherein at least one of the plurality of interconnected first stent members and second stent members comprise at least one substantially curved portion.

28. The assembly of claim 1 wherein at least one of the plurality of interconnected first stent members and second stent members comprise at least one substantially straight portion.

29. The assembly of claim 1 wherein the backbone comprises at least one substantially curved portion.

30. The assembly of claim 1 wherein the backbone comprises at least one substantially straight portion.

33. The assembly of claim 1 wherein the stent is at least partially radiopaque.

34. The assembly of claim 8 wherein at least a portion of the push wire is radiopaque.

35. The assembly of claim 11 wherein the severable junction is at least partially radiopaque.

36. The assembly of claim 8 further comprising at least one radiopaque marker the at least one radiopaque marker being engaged to at least one of the push wire, the first backbone, at least one of the first stent member, and at least one second stent member.

37. The assembly of claim 36 wherein the at least one radiopaque marker comprises a plurality of radiopaque markers.

40. The assembly of claim 3 wherein the stent is at least partially constructed from a tube of stent material.

44. The assembly of claim 17 wherein at least a portion of the catheter is at least partially radiopaque.

45. The assembly of claim 44 further comprising at least one radiopaque marker, the at least one radiopaque marker being adjacent to the distal end of the catheter.

(ix) Evidence Appendix

None

(x) Related Proceedings Appendix

None